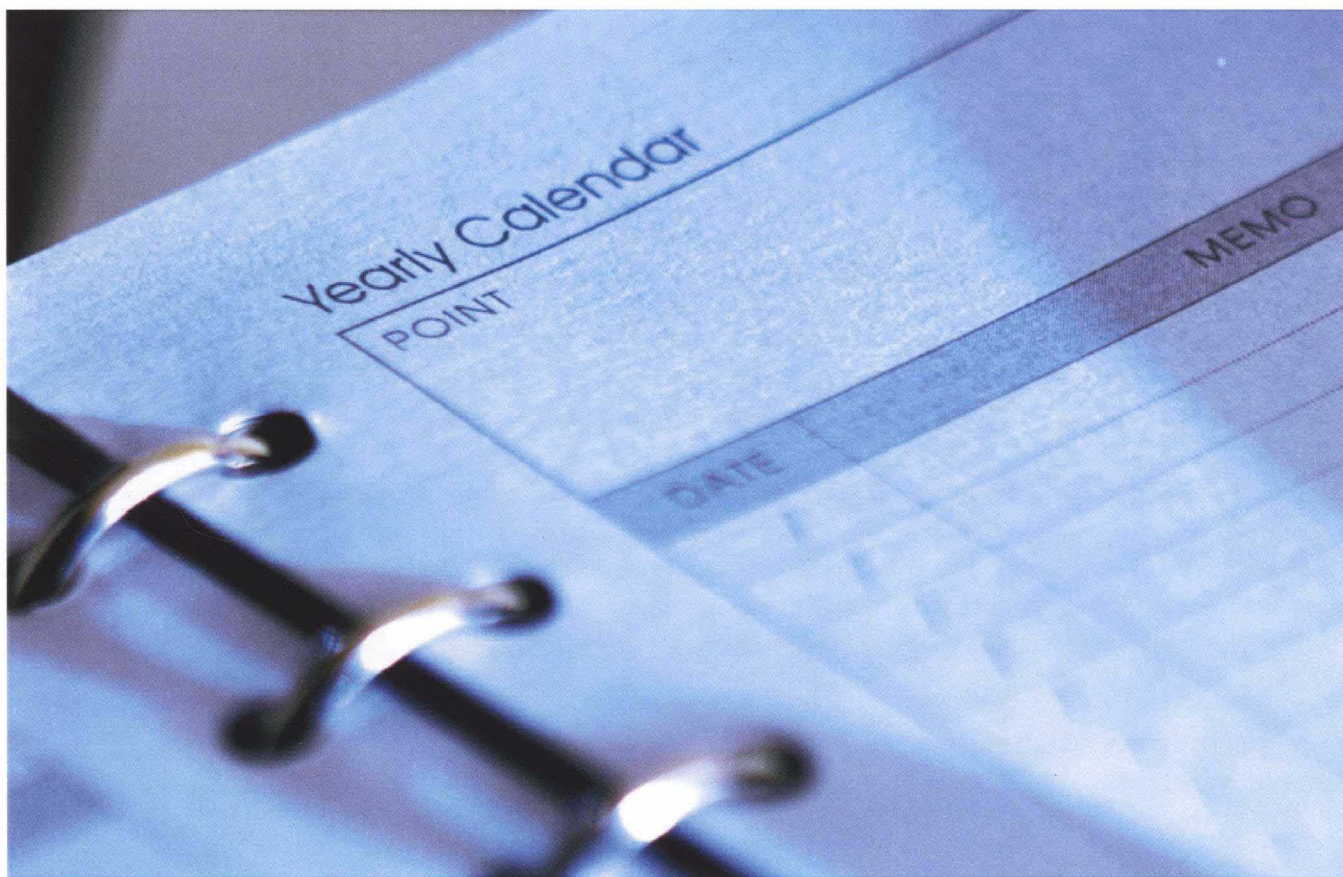


Secretary of the Commonwealth Annual Report

Fiscal Year 2012



William Francis Galvin
.....
Secretary of the Commonwealth



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the Commonwealth

Dear Citizens,

Enclosed you will find the fiscal Year 2012 Annual Report for my office. I am pleased to report that the office has taken in, on behalf of our citizens, over \$220 million in revenue. Fiscal year 2012 has been extremely challenging for the Commonwealth. A drop in economic activity has not slowed the number of citizens who need assistance regarding mortgage foreclosure, homestead information, investments, Census, access to public records, voting and historic preservation.

I hope that you have the opportunity to review fully the achievements of this office on behalf of the Commonwealth. For your convenience I have highlighted some of the statistics of this agency. The Corporations Division for 2012 notified over 52,837 domestic for profit, professional and foreign corporations that were delinquent in filing annual reports. As a result of this work by the staff, 27,371 delinquent reports were filed generating over \$3.5 million in revenue for the Commonwealth. During FY 2012, the Elections Division administered the Presidential Primaries and the 2012 State Primaries and Election, all using new electoral district lines. The Commonwealth Museum saw over 6,000 students visit the museum located in the Archives Building at Columbia Point for field trips. The Archives Division had over 5,000 researchers visit the Archives and 3,300 researchers received assistance through correspondence. The passenger manifest database project has seen incredible progress over the last year, with the total number of entries up to over 600,000. The Archives online databases continue to help ease and improve the public's access to the public records housed at the Archives. In FY 2012 the Massachusetts Historical Commission (Division) reviewed over 8,000 state projects and 2,800 federal projects. Ongoing enhancements to MACRIS (Massachusetts Cultural Resources Information System) on-line database continues to improve the public's ability to search and access MHC's state-wide inventory of historic properties via the internet. The Public Records Division for 2012 rendered over 300 written determinations and resolved over 250 informal appeals concerning the public status of records on behalf of our citizenry. The lobbying section of the office processed over 6,500 transactions relating to lobbyist registration and disclosure. These were just a few of the highlights regarding this office. For more information please take a few minutes to read the information, by division, in this Annual Report.

Whatever the need or the question our staff continues to provide information and direction to our citizens. If you need assistance don't hesitate to call this office on our toll free number at 1-800-392-6090 where your call will be answered by a staff person.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "W. Galvin".

William Francis Galvin
Secretary of the Commonwealth

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Office of the Secretary of the Commonwealth

State House, Room 337

Boston, MA 02133

Website: www.sec.state.ma.us

Fiscal 2012 Annual Budget

0511-0000 For the operation of the office of the secretary; provided, that the secretary may transfer funds between items 0540-0900, 0540-1000, 0540-1100, 0540-1200, 0540-1300, 0540-1400, 0540-1500, 0540-1600, 0540-1700, 0540-1800, 0540-1900, 0540-2000 and 0540-2100 pursuant to an allocation schedule filed with the house and senate committees on ways and means not less than 30 days before the transfer; provided further, that each register of deeds using electronic record books shall ensure that all methods of electronically recording instruments conform to the regulations or standards established by the secretary of state and the records conservation board; and provided further, that those regulations shall be issued not later than June 29, 2012.....	\$5,912,424
0511-0001 For the secretary of state who may expend revenues not to exceed \$30,000 from the sale of merchandise at the Massachusetts state house gift shop for the purpose of replenishing and restocking gift shop inventory	\$30,000
0511-0002 For the operation of the corporations division; provided, that the division shall implement a corporate dissolution program which shall have a specific focus on limited liability corporations and limited liability partnerships that have failed in their statutory responsibility to file an annual report; and provided further, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the total number of annual reports filed as a result of this program and the amount of revenue generated for the commonwealth	\$254,213
0511-0200 For the operation of the archives division	\$378,121
0511-0230 For the operation of the records center	\$36,217
0511-0250 For the operation of the archives facility.....	\$296,521
0511-0260 For the operation of the commonwealth museum	\$243,684
0511-0270 For the secretary of state who shall contract with the University of Massachusetts Donahue Institute to provide the commonwealth with technical assistance on United States census data and to prepare annual population estimates; provided, that the contract shall be for no less than \$250,000.....	\$500,000
0511-0420 For the operation of the address confidentiality program.....	\$130,858
0517-0000 For the printing of public documents.....	\$600,000
0521-0000 For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of	

state may award grants for voter registration and education; and provided further, that the registration and education activities may be conducted by community-based voter registration and education organizations, prior appropriation continued	\$4,900,000
0521-0001 For the operation of the central voter registration computer system	\$4,937,121
0524-0000 For providing information to voters	\$300,000
0526-0100 For the operation of the Massachusetts historical commission	\$750,000
0527-0100 For the operation of the ballot law commission	\$10,545
0528-0100 For the operation of the records conservation board	\$34,056
0540-0900 For the registry of deeds located in the city of Lawrence in the former county of Essex	\$1,017,334
0540-1000 For the registry of deeds located in the city of Salem in the former county of Essex	\$2,703,583
0540-1100 For the registry of deeds in the former county of Franklin	\$449,288
0540-1200 For the registry of deeds in the former county of Hampden	\$1,643,100
0540-1300 For the registry of deeds in the former county of Hampshire	\$471,423
0540-1400 For the registry of deeds located in the city of Lowell in the former county of Middlesex	\$1,113,611
0540-1500 For the registry of deeds located in the city of Cambridge in the former county of Middlesex	\$2,875,012
0540-1600 For the registry of deeds located in the town of Adams in the former county of Berkshire	\$250,700
0540-1700 For the registry of deeds located in the city of Pittsfield in the former county of Berkshire	\$419,400
0540-1800 For the registry of deeds located in the town of Great Barrington in the former county of Berkshire	\$209,483
0540-1900 For the registry of deeds in the former county of Suffolk	\$1,734,615
0540-2000 For the registry of deeds located in the city of Fitchburg in the former county of Worcester	\$655,072
0540-2100 For the registry of deeds located in the city of Worcester in the former county of Worcester	\$2,161,481

Year – End Revenue for Fiscal Year 2012

Revenue was broken down into (4) categories for a total of \$221,825,234.85.

Corporations, Archives, Public Records.....	\$81,290,304.56
Gift Cart, Bookstore.....	\$527,090.87
Securities.....	\$60,328,523.82
Registries of Deeds	\$129,679,315.43

The Address Confidentiality Program

P.O. Box 9120
Chelsea, Massachusetts 02150-9120
617-727-3261
1-866-SAFE-ADD

The Address Confidentiality Program (ACP) allows victims of domestic violence, sexual assault and stalking to escape from actual or threatened violence by providing a substitute mailing address to program participants, allowing them to keep their new physical address hidden from their perpetrator.

At the present time, the program's 375 participants include 165 women, 9 men and 201 children. The ACP distributes approximately 3,911 pieces of mail each month.

Counties Represented

BARNSTABLE	10
BERKSHIRE	3
BRISTOL	34
ESSEX	54
FRANKLIN	7
HAMPDEN	17
HAMPSHIRE.....	11
MIDDLESEX.....	123
NORFOLK	23
PLYMOUTH	14
SUFFOLK	54
WORCESTER.....	25
TOTAL.....	375

Corporations Division

One Ashburton Place, Room 1717

Boston, MA 02108

(617) 727-9640

Email: corpinfo@sec.state.ma.us

Website: www.sec.state.ma.us/cor

The Corporations Division administers the laws pertaining to certain business entity types including corporations, limited liability companies, limited partnerships, limited liability partnerships, and business trusts. Trademarks and service marks are also filed with the Division as well as certain Article 9 Uniform Commercial Code (UCC) filings. All providers of warranties for vehicle protection products are also required to register with the Division. Finally, the Division is deemed to be the agent for service of process for certain foreign entities and/or individuals doing business in the Commonwealth if that entity or person does not have an agent or fails to act as such.

The Division maintains a website which includes copies of all business entity, trademark, service mark and UCC filings made with the Division since 2001. Documents may be submitted electronically 24 hours a day, 7 days a week. A brief summary of the Division's accomplishments for 2011-2012 include:

- The Division notified 30,030 non-profit corporations that were delinquent in filing annual reports with the Division, that their charter would be revoked if they failed to file the reports owed within 90 days from the date of notice. The Division worked directly with numerous veteran groups, chambers of commerce, United Way and other charitable organizations to insure that they understood the filing requirements and the ramifications for failing to file. As a result, 13,235 delinquent annual reports were filed generating \$198,525.00. The Division is set to revoke the charters of 25,965 non-compliant nonprofits on June 18, 2012.
- The Division also notified 52,837 domestic profit, professional and foreign corporations that were delinquent in filing annual reports that they would be dissolved or their registration to do business in the Commonwealth would be revoked if they failed to file the reports owed within 90 days from the date of notice. Consequently, 27,371 delinquent annual reports were filed generating \$3,521,450.00. The Division is set to dissolve 42,517 non-compliant domestic profit, professional and foreign corporations on June 18, 2012.
- Several security measures adopted previously by the Division were recognized by the National Association of Secretaries of State (NASS) as effective tools in the war against business identity theft. First, in order for a business entity to file with the Division electronically, the entity must have a customer identification number (CID) and personal identification number (PIN). All requests for CIDs must be initiated by email so that the Division may track the requester. Second, the Division offers an email subscription service to entities which notifies it any time a filing is made on its behalf.
- Finally, the Division has been increasingly effective in alerting the business community to a

The solicitation that many complained was misleading by posting alerts on its website and notifying professional business advisors. It has also been successful in its efforts to assist business entities that were misled by the solicitation to obtain a refund of any money paid.

Elections Division

One Ashburton Place, Room 1705

Boston, MA 02108

(617) 727-2828, Toll Free: 1-800-462-VOTE (8683) (in Massachusetts only)

Email: elections@sec.state.ma.us

Website: www.sec.state.ma.us/ele

The Elections Division administers all state elections, provides information on voting, and supplies election materials to the public, candidates and government officials.

During FY 2012, the Elections Division administered the Presidential Primaries and prepared for the 2012 State Primaries and Election, all using new electoral district lines. For the Presidential Primaries, the Elections Division provided nomination papers for candidates for ward and town political committees as well as state political committees. The Elections Division prepares and prints ballots for each city and town in the Commonwealth for the Presidential Primaries. Preparation of these ballots is particularly time consuming because of the volume of names since each ward or town can have between three and thirty-five candidates for each committee for each political party.

The Elections Division also began preparations for the 2012 State Primaries and State Election, which included the preparation of a candidate's guide, printing of nomination papers and certification of candidates. Those offices appearing on the ballot in 2012 were Senator in Congress, Representative in Congress, Governor's Councilor, State Senator, State Representative, Clerk of Courts, and Register of Deeds as well as other district and county offices. During FY 2012, candidates for the above offices submitted the necessary paperwork to the Elections Division, which certified their names for ballot placement. The Elections Division further prepared and published lists of candidates for the State Primaries during FY 2012.

Other activities conducted by the Elections Division in FY 2012 included training local election officials and poll workers, preparing and providing other election materials, including forms and envelopes, to local election officials as required by law.

Lobbyist Division

One Ashburton Place, Room 1719

Boston, MA 02108

617-727-9122

Email: lob@sec.state.ma.us

Website: www.sec.state.ma.us/lob

The Lobbyist Division is responsible for the oversight and enforcement of lobbyist registration and disclosure reporting. The Lobbyist Division functions to ensure that lobbyists register with this office when required, and that the registered lobbyists and clients fully disclose all information required by the Massachusetts Lobbying Law.

The Lobbyist Division has

- Processed over 6,500 transactions relating to lobbyist registration and disclosures totaling over;
- Performed an update and enhancements on the Lobbyist Registration and Reporting System leading to increased transparency;
- Worked with IT to ensure the continuous integrity of the Lobbyist System;
- Rendered 6 advisory opinions concerning the Lobbying Law;
- Responded to a high volume of daily telephone and email inquiries regarding the Lobbying Law;
- Issued over 500 Lobbyist Licensures;
- Created and led educational seminars regarding the Lobbying Law including a power point presentation, currently in the third edition;
- Supervised the development of the Lobbyist User Guide, currently in the third edition-currently working on the fourth edition.
- Supervised the update of the Lobbyist Division website;
- Responsible for reviewing over 3,000 disclosure reports for compliance with the Lobbying Law, reports filed biannually;
- Regularly analyzed up to 20 different reports for review by the Secretary and
- Coordinated and set up registration and disclosure live workshops as well as offered registration and disclosure assistance on a one on one basis.

Massachusetts Archives

220 Morrissey Boulevard
Boston, MA 02125
(617) 727-2816
Email: archives@sec.state.ma.us
Website: www.sec.state.ma.us/arc

The Archives accessioned 78 cubic feet of records from state agencies in FY2012. At the end of FY2012, our total volume equaled 25,175 cubic feet of records.

The Archives, along with the Mass. Board of Library Commission, worked with the offices of Rep. John Keenan and Sen. James Eldridge, to establish a Commission for Municipal Preservation to safeguard essential city and town records.

The Archives, along with the MBLC, Town Clerks Association, and Simmons College, have applied for an IMLS grant application for archival training for municipal clerks.

The Archives is collaborating with the new Edward M. Kennedy Institute for the United States Senate in curriculum development using records of the Massachusetts Legislature.

The Archives is provided guidance and support regarding the effort to establish a system-wide records management program for state university system.

COSTEP Massachusetts is a partnership between the cultural community and emergency management personnel with the goal of building and fostering a statewide disaster preparedness planning process that serves the cultural and emergency management communities and addresses disaster prevention, preparedness, response, recovery, and mitigation. The process will ensure an ongoing dialogue that promotes mutual understanding and coordination between these communities. Archives staff have been involved with this organization since inception and continued to provide leadership roles. COSTEP MA received an HMGP grant which will allow the group to provide additional community meetings, helping Massachusetts as a whole to be better prepared to protect our valuable cultural resources and history.

Michael Comeau was appointed as a member of the Massachusetts Sesquicentennial Commission. The Archives displayed select Civil War artifacts as part of the Commission's inaugural ceremonies at the State House, and continues to provide content for the Commission's website and activities.

Digitization partnerships (Yale, Harvard, FamilySearch)

The Archives partnered with FamilySearch (formerly the Genealogical Society of Utah) to digitize the 1916-1920 vital records. This project began at the end of August 2011 with two members of FamilySearch working with the records onsite at the Archives. With the imaging of the documents now complete, FamilySearch continues the job of indexing each image. Once the indexing is complete, the final product will be a database that will be delivered to the Archives and mounted on our website by the Secretary's IT Division. This database will include vital records from our earliest holdings, 1841, up to 1920, with the images being

searchable, viewable, and printable by the public at no cost.

Yale University partnered with the Archives in a pilot program to digitize Native American records held by the Archives.

Harvard University also recently received an NEH grant through which they will work with the Archives to digitize legislative petitions relative to slavery and the abolition movement.

The Archives Division worked closely with the Graphics Division during the redesign of the Secretary's web pages. The final result has received positive feedback from our users and staff.

Archives staff work closely with outside groups, introducing them to the Archives and encouraging the use of our holdings. We have provided tours, workshops, and introductory sessions to organizations and groups such as: Suffolk University; AFL-CIO; Central Middlesex County Genealogical Roundtable; Quincy College; UMass Boston; Foxborough Council on Aging; and the Northern California Teaching American History teachers' group.

In an effort to increase the awareness of the remarkable and unique documents reflecting Massachusetts history, we have made reproductions and, in certain instances, original documents available at events and exhibits. Staff brought original Civil War documents to the State House for the Sesquicentennial celebration which brought a continuous stream of visitors who viewed and inquired about the documents and the Archives. Reproductions of the documents from the War of 1812 were included on a poster display and displayed at the State House. Staff has collaborated with the Bostonian Society for their celebration of the anniversary of the 1763 proclamation, arranging for the temporary loan and display of the original proclamation. We recently provided reproductions of some of our Civil War-era documents to the African American History Museum for an upcoming exhibit in their museum.

Reference Desk:

We received nearly 5,000 visitors to the Archives Reading Room during the past year and nearly 2,700 requests to have records retrieved from our vaults for onsite research. Our visitors include genealogists, historians, authors, journalists,

Over 3,300 requests for research assistance were logged in and answered. These numbers are comparable to the previous year. 2,800 email replies were sent in response to inquiries from the public, an increase of 1,800 from the previous year.

The Reference Supervisor sends monthly emails to an ever-growing list of researchers, informing them of events, news, and updates on projects such as the digitization of the 1916-1920 vital records.

The Genealogy Club continues to grow in numbers. The group, led by one of our researchers, meets monthly here at the Archives, and serves as a discussion group. They have brought in speakers such as: Joanne Riley, Archivist at UMass Boston, who spoke about the resources available at the Healy Library at UMass Boston; and Michael Brophy, professional genealogist, who spoke about the 1940 census.

We continue to add new exhibits to our exhibits case in the Reading Room. One of our interns created an exhibit based on the history of Rainsford Island, and another intern focused on the history of Nantasket Beach. Research for the exhibits is focused on documents found in our collections and reproductions of the documents are used in the exhibit case.

The passenger manifest database project has seen incredible progress over the last year, with the total number of entries now up to over 600,000. Also in progress is the conversion of our maps and plans card catalog into a database that will be mounted on our website, enabling researchers to search our maps collections in advance of a visit. These online databases help to ease and improve the public's access to the public records housed here at the Massachusetts Archives.

With assistance from employees, we were able to redact an additional increment of materials, nearly 80 boxes, accessioned from former Governor Romney's administration. This increased the total number of redacted boxes from 173 to 253.

Massachusetts Historical Commission

220 Morrissey Boulevard

Boston, Ma 02125-3314

(617) 727-8470

Email: mhc@sec.state.ma.us

Website: www.sec.state.ma.us/mhc

The Massachusetts Historical Commission (MHC) carried out its mission and statutory responsibilities in state FY12.

Survey, Preservation Planning and Local Government Assistance

Ongoing enhancements to MACRIS (Massachusetts Cultural Resources Information System) on-line database continues to improve the public's ability to search and access MHC's state-wide inventory of historic properties via the internet. In FY12, MHC continued to add digital format scanned versions of inventory forms and National Register nominations to its searchable MACRIS on-line database on a town-by-town basis, with the ongoing support of a Preserve America Grant. MHC continued to develop its statewide Geographic Information System (GIS) data on the location of historic properties and archaeological sites in the statewide inventory, and to make this data available through its web-based GIS interface to both staff and authorized external users.

The MHC continues to enhance the information that is on our website and to host the MassHistPres listserv, which is an open forum for communication among local historical commissions (LHCs), local historic district commissions (LHDCs), and other preservationists who subscribe to the list. Current membership is nearly 800 people across the state. The MHC Local Preservation Update E-Newsletter was distributed through the listserv and directly to local historical commission and historic district commission members. Through very low-cost distribution, the e-newsletter successfully informed approximately 2000 members of the preservation community about available workshops, events, grant programs and other topics of interest.

Technical assistance to local governments, particularly the local historical commissions, historic district commissions and historic district study committees was provided in person, by phone and through email communication. New member packets were sent out to recently appointed members of local commissions. In addition, educational material including guidebooks, DVDs and compiled materials were distributed electronically and by mail. Outreach to local historical commissions, historic district commissions, local historic district study committees and the general public continued through the MHC "On-the-Road Program." Workshops were held in numerous communities including Adams, Bolton, Boston, Holbrook, Huntington, Lenox and Rockport. MHC staff presented a talk on local preservation bylaws and ordinances at a seminar meeting of the Massachusetts City Solicitor and Town Counsel Association.

Survey and Planning Grants

In FY12, MHC continued increasingly to receive and process electronic-version submissions of inventory forms. The scanning of MHC paper inventory files to electronic files for linking to its MACRIS database with the support of a Preserve America grant is ongoing, as is the digitizing of historic property and site locations by MHC's GIS staff. Staff successfully managed the 12 projects representing a pass-through of \$150,000 in matching federal funds to local communities in the federal FY11 statewide Survey & Planning grant round, including neighborhood and communitywide historic properties surveys, preparation of National Register nominations, development of local design guidelines, preparation of historic structures reports, and local staff support. In addition, MHC awarded 13 new projects representing a pass-through of and additional \$174,500 in matching federal funds to local communities in the federal FY12 Survey & Planning grant round, including targeted and communitywide historic properties surveys, development of a communitywide preservation plan, development of text and designs for historic interpretive signage panels, and local staff support.

National Register of Historic Places

MHC's National Register of Historic Places program continued to maintain a high level of new designation activity and continued to fund the editing and preparation of National Register nominations. During State FY12, 28 new nominations, including ten National Register districts, were brought to the State Review Board. MHC directly funded the preparation of two National Register nominations for properties owned by municipalities or private nonprofits during State FY12. Scanning National Register nominations continued, and the most recent nominations were posted on MHC's website via the on-line MACRIS database. Website features on First Period houses, Massachusetts diners, and the Underground Railroad in Massachusetts are under development.

State Historic Rehabilitation Tax Credit

The state tax credit for rehabilitation of historic properties was originally implemented in FY04 and has continued into FY12. The state tax credit program has been extended to expire December 31, 2017 by the Legislature, with an annual cap of \$50 million. This program operates on the calendar year (tax year), during which there are three application cycles. To date, there have been two application rounds in 2012. The MHC has reviewed 325 applications so far in 2012.

Federal Historic Rehabilitation Tax Credit

The MHC, as the office of the State Historic Preservation Officer, reviews and comments on applications made for federal historic rehabilitation tax credits, and forwards the applications to the National Park Service with written recommendations. The MHC reviewed 52 new federal tax credit projects during federal fiscal year 2011 (October 1, 2010 – Sept. 30, 2011).

Review and Compliance

The number of projects reviewed in Review and Compliance remained at high levels. The number of projects reviewed in Review and Compliance remained at high levels. As the office of the State Historic Preservation Officer, the MHC continued its expedited review of the time-sensitive Economic Stimulus ("shovel-ready") and American Recovery and Reinvestment Act (ARRA) projects funded by the federal government in compliance with Section 106 of the National Historic Preservation Act (36 CFR 800). Similarly, the MHC continued its review of state projects under the state historic review regulations (950CMR71) in a timely manner. End of the year statistics of the number of projects reviewed are compiled on the federal fiscal year. The MHC reviewed 2,879 federal projects and 8,608 state projects between October 1, 2010 and September 30, 2011.

Preservation Restrictions

MHC staff continued to review, comment on, and approve preservation restriction agreements under the statutory authority of M.G.L. Chapter 184, section 32. The volume of preservation restriction agreements requiring approval remains high, particularly as municipalities require protective restrictions as a condition of the awarding of local Community Preservation Act grants, and of the granting of local variances and permits in a variety of planning, zoning and development contexts involving historic properties and sites. MHC continues to provide technical assistance to property owners, municipalities and non-governmental restriction-holding organizations on issues related to the development of preservation restrictions.

Massachusetts Preservation Projects Fund

For State FY12 or MPPF Round 17, the MHC received 43 applications with total requests for funding of \$2.4 million. Actual awards for MPPF Round 17 and FY12 Emergency MPPF combined were 29 projects totaling \$1.1 million. State FY13 or Round 18 is the next year of MPPF funding pending authorization.

Archaeology

The MHC, as the office of the State Archaeologist, continued to oversee archaeological excavations in the state, issued State Archaeologist's permits to qualified professional archaeologists, and managed the curation of state-owned archaeological collections. The MHC has recognized the success of organizing Archaeology Month as an appropriate venue for educating the public about archaeology. October 2011 was designated Archaeology Month with its theme being "Step Back in Time."

Public Records Division and Records Management Unit

One Ashburton Place, Room 1719

Boston, MA 02108

(617) 727-2832

Email: pre@sec.state.ma.us

Website: www.sec.state.ma.us/pre

The Public Records Division consists of a Legal Section, Commissions Section and the Records Management Unit.

Legal Section

Under the authority of the Supervisor of Records, the Legal Section of the Public Records Division annually:

- Processes and opines upon several hundred appeals from citizens, public officials and members of the media who have been denied access to government by public agencies;
- Answers thousands of questions each year involving interpretation of the public records statute; and
- Provides on-site training to government employees and their agents throughout the state.

The Commissions Section

The Commissions Section of the Public Records Division annually:

- Tracks the appointments of notaries public in Massachusetts;
- Administers the oaths of office to notaries, justices of the peace and other gubernatorial appointments;
- Maintains records related to governors' appointments;
- Prepares certifications of official signatures;
- Reviews and accepts information by out-of-state clergy requesting authorization to solemnize marriages in the Commonwealth, as well as one day solemnizations; and
- Keeps certain records of city and town clerks, local options, housing and redevelopment authorities and commissioners to qualify.

The Records Management Unit (RMU)

The RMU operates under the mandates of the Supervisor of Records, assisting state, local, and county government entities in creating, managing, securing, and preserving the records they need to conduct business activities and to protect the rights and obligations of citizens and government.

Annual Update – 2012

What follows is a summary of some of the major accomplishments and initiatives of the Public Records Division and Records Management Unit from July 1, 2011-June 30, 2012.

The Legal Section of the Public Records Division has:

- Rendered nearly 300 written determinations concerning the public status of records;
- Resolved over 250 informal appeals concerning the public status of records;
- Received the *Robert W. Ritchie Special Achievement Award* for 2011 from the City Solicitors and Town Counsel Association, in recognition for contributions in the Public Records Law and providing guidance on records management and retention;
- Led seminars concerning the Public Records Law to cities, towns, state agencies and associations;
- Issued 29 written advisories and 3 informal advisories on the proper use of the State Seal, Coat of Arms and Flag of the Commonwealth; and
- Received and filed 11 Security Breach notifications from state agencies pursuant to M.G.L. c. 93H;

With respect to legislative initiatives, the Legal Section has:

- Drafted and filed 1 bill;
- Filed over 70 bill comments concerning issues related to the sections of the Public Records Division; and
- Tracked and attended legislative hearings for numerous pieces of legislation concerning issues related to the sections of the Public Records Division.

The Commissions Section of the Division has:

- Provided an educational workshop at the 2012 Massachusetts Town Clerks Association/Massachusetts City Clerks Association Summer Conference on Recordings, Commissions and Governor Appointments;
- Received over \$844,000 in connection with Notary Public registrations, verifications and name changes;
- Received over \$343,000 in connection with certification of documents;
- Received over \$91,000 in connection with Solemnizations to Perform Marriage; and
- Received over \$17,600 in connection with Justice of the Peace registrations.

The Records Management Unit has:

- Provided on-site record management trainings or conducted records management and security surveys in thirty municipalities;

- Provided records management trainings at meetings of municipal officers associations such as the City and Town Clerks, Assessors, Councils on Aging, Treasurers and Collectors and Public School officials;
- Provided assistance to Public Records Division Attorneys during public records request appeals investigations as well as follow-up services after resolution of the appeal including records management trainings or surveys;
- Provided assistance to municipal officials seeking to dispose of public records, approving over 550 appropriate requests for destruction of records;
- Provided records disposition, recovery, and preservation assistance to numerous communities following flooding, burst pipes, minor fires, vermin and mold infestations;
- Provided input during meetings and participated in activities of Coordinated Statewide Emergency Preparedness (COSTEP) joint initiative; and
- Provided assistance to the Archives Division, Mass. City and Town Clerks Association, and Simmons College in developing a grant proposal to the National Historic Records Preservation Commission for records management training for municipal clerks.

Registries of Deeds

One Ashburton Place, Room 1612
Boston, MA 02108
(617) 727-2853
Website: www.sec.state.ma.us/rod

DEEDS DIVISION MISSION

There are thirteen Registry of Deeds districts under the Secretary of the Commonwealth's jurisdiction. The overall intention of the Deeds Division is to oversee the policies and procedures of each of these Registries of Deeds to ensure compliance with applicable mandates, assist each elected official in understanding state procurement laws and help to establish uniformity among day to day business functions of the Registry. Below, please find a list of the past year's accomplishments in these state Registries of Deeds.

FY2012

The state electronic recording portal application, Commonwealth Electronic Recording System ("CERS"), was implemented at the Franklin, Essex North, Suffolk and Berkshire South District Registries of Deeds to allow customers to submit their documents electronically for filing. This application is designed to operate with our payment processor, HP Convenience Pay, and shall provide the Registries with full time employee credits when its volume reaches specific benchmarks. A standard user interface and memorandum of understanding allows electronic recording participants to use a single website interface to file their documents electronically at five (5) Registries of Deeds. We will continue to add more Registries of Deeds in the next fiscal year.

A new MassLandRecords.com interface was made available to the public. This new search application intends to streamline search functionality and get user's to their intended results quickly. The new application has operated alongside the old platform while users become familiar with the new search functionality. The Secretary's Office has fielded emails and phone calls throughout the process to assist filers in using the new application.

A number of technology upgrades were made at the Registries of Deeds, including Suffolk and the Berkshires, in order to modernize their equipment and operating systems. The computers and recording stations were refreshed, speeding up the filing and searching processes.

Many of the Registries of Deeds continue to digitize their older records and move toward the reduction of paper in their offices. As more records are scanned and digitized, many data entry projects follow so these images may be returned on a search of the online records.

The disaster recovery plans at each of the Registries of Deeds continue to be standardized by the Secretary's Information Technology Division. We continue to perform an annual walk through at each of the Registries to test the disaster recovery techniques. This ensures that the plan will be fully operational in the event of an emergency.

Each Registry of Deeds continues to verify the integrity of their microfilmed records, stored in an off-site location, in accordance with the applicable Massachusetts General Laws. As these records age, the viability of the microfilm must be routinely verified to be sure the records are still legible and accessible.

The Treasurer's Office selected a new bank for the Registries of Deeds' accounts. The new process requires that each Registry scan their check deposits at the Registry and complete their deposits online. This new process has been implemented at the Suffolk Registry of Deeds and will be rolled out to the remaining Registries next fiscal year.

A revision was made to the Homestead Act pursuant to the Valor Act, Chapter 108 of the Acts of 2012. Updates were made to the relevant Homestead forms to reflect the changes. The Homestead Act Questions and Answers publication was also translated to Spanish and Brazilian Portuguese to explain the changes and help homeowners understand their rights and protections in various languages.

Securities Division

One Ashburton Place, Room 1701

Boston, MA 02108

(617) 727-3548, Toll Free: 1-800-269-5428 (in Massachusetts only)

Email: securities@sec.state.ma.us

Website: www.sec.state.ma.us/sct

Corporate Finance Section - Statistics

Securities Registration Filings:

Registration by Coordination134

Registration by Qualification4

TOTAL REGISTRATIONS..... 138

Exemption Filings:

402(b)(9)9

402(b)(110).....3

950 CMR 14.402(B)(13)(I) [RULE 506].....2,232

950 CMR 14.402(b)(13)(i) [MULOE]94

TOTAL EXEMPTION FILINGS..... 2,338

Investment Company Notice Filings

Open-End Funds21,119

Closed-End Funds.....61

Unit Investment Trusts.....1,471

Face Amount Certificate Companies9

TOTAL INVESTMENT COMPANIES... 22,660

RICE Section

In response to the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Division created a new section titled Registrations, Inspections, Compliance and Examinations. Known by the acronym “RICE,” this section is responsible for reviewing all applications for registration in Massachusetts as securities broker-dealers, investment advisers, and the individual agents and representatives associated with the foregoing. RICE is also responsible for auditing registered entities and individuals for compliance with state and federal statutes and regulations pertaining to the securities industry.

During the summer of 2011, RICE cross-trained members of the Division’s Enforcement Section in the procedure for conducting audits of registered securities market participants. These Enforcement staff members now participate in the audit process, providing additional available resources for the audit program.

On November 1, 2011, in response to recent changes in the national regulatory environment, the Division proposed certain revisions to the Code of Regulations beginning at 950 Mass. Code Regs. 10.00. A significant number of these proposed revisions pertained to the registration and regulation of securities broker-dealers, investment advisers, and the individual agents and representatives associated with the foregoing. A public hearing on these proposed changes was held at 10:00 a.m. on Thursday, January 5, 2012 at the Division’s offices at One Ashburton Place, 17th Floor, Boston, Massachusetts 02108. Following this hearing and the review of comments submitted to the Division, the revisions to the Regulations were adopted on February 3, 2012.

On January 31, 2012, in anticipation of the switch of approximately two hundred (200) investment advisers from federal to Massachusetts jurisdiction, the Division held an Investment Adviser Training Conference in Marlborough, Massachusetts. Attended by over three hundred (300) registered securities personnel, compliance advisers, and other regulators, the response from attendees on feedback forms was overwhelmingly positive, with many responses requesting that such events be repeated on an annual or bi-annual basis.

On May 16, 2012, the Division issued a survey to six hundred forty nine (649) investment advisers then registered with the Division requesting input and commentary on U.S. House of Representatives bill H.R. 4624 entitled the “Investment Adviser Oversight Act of 2012.” After receipt and compilation of the responses, the Division released a report on May 31, 2012 entitled “Report on the Potential Impact of the Investment Adviser Oversight Act of 2012 on Small Advisers” which summarized the responses received from the survey participants.

INVESTMENT ADVISER REGISTRATION - 2011

I.A. Firms Registered in Massachusetts870

I.A. Exempt Reporting Advisers145

I.A. Firms Notice Filed in Massachusetts2,020

I.A. Representatives Registered
in Massachusetts (as of 1/1/12)7,384

BROKER-DEALER REGISTRATION-2011

BD Firms Registered with Massachusetts.....2,365

BD Agents Registered

with Massachusetts.....148,845

Non-FINRA Member Firms Registered

with Massachusetts.....8

Issuer Agents Registered

with Massachusetts.....47

Broker-Dealer Applications Terminated

After Division Review2

Agent Applications Terminated

After Division Review126

Enforcement Section

Enforcement Staff.....9

Total Complaints received349

Investigations opened215

Investigations closed*367

Complaint filed15

Fines.....\$17,632,258.00

Monies back to investors\$8,551,100.00

Referrals out.....192

*We began the year with almost 400 open matters.

State Publications and Regulations Division

One Ashburton Place, Room 1613

Boston, MA 02108

(617) 727-2831

Email: regs@sec.state.ma.us

Website: www.sec.state.ma.us/spr

The mission of the State Publications & Regulations Division which is comprised of the Regulations Division and the State Bookstore is to edit, publish and distribute the Code of Massachusetts Regulations (CMR), the Acts & Resolves of the General Court, certain subscription publications including the *Massachusetts Register*, *Central Register* and the *Goods & Services Bulletin* and various other state documents.

Highlights/Accomplishments of FY12:

- Launched new subscription service of *Mass. Register* online resulting in 11% increase in overall subscribers.
- Number of online subscriptions of Central Register and Goods & Services has increased 4% and 2.5% respectively.
- Edited, published & distributed 204 state regulations.
- Working with liaison of Governor's Regulatory Reform Initiative in anticipation of 150 new regulation filings.
- Published *2010 Acts & Resolves* hardbound edition.
- Almost 70% of customers now shop online at the State Bookstore.

Regional Offices

Southeastern District Office

218 South Main Street, Suite 206

Fall River, MA 02721

(508) 646-1374

Email: barry.sullivan@sec.state.ma.us

Website: www.sec.state.ma.us/wso

The office assists an average of 60-75 persons a day which includes walk-ins, orders for pick-up and phone inquires.

Below is the list of services that the office provides in the Southeastern District Office in Fall River.

Corporations Division

- Good Standings
- Legal Existence
- Various Certificates
- Certified Copies
- Name Reservations

Public Records

- Administer the oath of office to public officials, notaries and justices of the peace
- Certify signatures of public officials and affixes Apostilles and Certifications to documents

Elections

- State election candidate information
- Provide nomination papers
- Filing of certified nomination papers
- Election laws and statistics
- Pamphlets on election procedures
- Provide voter registration forms
- Organize and participate at voter registration drives at area high schools

State Bookstore

- Sale of books and publications of the laws and regulations of MA (CMR's & MGL)

Citizens Information Services

- Handle incoming calls and requests for information regarding other state offices and agencies
- Provide free publications on various subjects of public interest and general information

The office also performs and assists at naturalization swearing-in ceremonies for Bristol County

Western Office

436 Dwight Street, Room 102

Springfield, MA 01103

(413) 784-1376

Email: cathy.molta@sec.state.ma.us

Website: www.sec.state.ma.us/wso

The office assists an average 100 persons a day which includes walk-ins, orders for pick-up and phone inquiries.

Here is a description of the services provided in the Western Office:

Public Records:

The Western Office can administer the oath of office to public officials, notaries public and justices of the peace. This office also certifies the signatures of public officials and affixes Apostilles to documents going out of the country.

Corporations:

The Western Office can provide information over the phone about business entities doing business in Massachusetts. This data includes the date of incorporation, location, and the names of the officers. This office also provides certificates of Good Standing, Legal Existence, and Certified Copies as well as Name Reservations for Corporate Entities.

Elections:

The Western Office offers state election candidate information, nomination papers for those seeking office, election laws and statistics, and "how to" pamphlets on election procedures. We accept nomination papers for filing from candidates for office. Voter registration forms are also available.

State Bookstore

The Western office has several publications available for purchase as well as many informational pamphlets that are free of charge.

